

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO.:

HONORABLE:

vs.

SHUKRIYA AL KHUZAII
5094 CURTIS STREET
DEARBORN, MI 48126

Defendant.

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Plaintiff the United States of America, by and through undersigned as Private Counsel to the Assistant United States Attorney for the Eastern District of Michigan hereby sets forth its Complaint against Defendant Shukriya Al Khuzaii, and states as follows:

JURISDICTION AND VENUE

1. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1345. *See 28 U.S.C. §1345.*

2. Defendant is a resident of Wayne County, Michigan within the jurisdiction of this Court and may be served with process at his address set forth in the case caption.

**COUNT ONE- RECOVERY OF MEDICARE CONDITIONAL PAYMENTS PURSUANT
TO 42 U.S.C. §1395y AND 42 C.F.R. §411.24**

3. Paragraphs 1 and 2 of the Complaint are hereby realleged as if fully rewritten herein.
4. In accordance with 42 U.S.C. §1395y (b) (2) (B), the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (hereinafter 'CMS') conditionally paid for Defendant's medical care related to an incident which occurred on July 16, 2016 that resulted in injuries sustained by the Defendant. *See 42 U.S.C. §1395y (b) (2) (B)*. As evidenced by the Payment Summary Form, a true and accurate copy of which is attached as Exhibit A¹, the full amount paid by CMS totaled \$20,978.58. *See Payment Summary Form*, attached as **Exhibit A**.
5. CMS determined that Defendant received a settlement, judgment, award, or other payment related to the July 16, 2016 incident.
6. Pursuant to 42 U.S.C. §1395y and 42 C.F.R. §411.24, Defendant is required to repay the amount of the conditional payments made by CMS based upon the settlement, judgment, award, or other payment received by the Defendant, and the United States is entitled to bring an action to recover any conditional payments made. *See 42 U.S.C. §1395y (b) (2) (B) (ii), (iii); See also 42 C.F.R. §411.24 (d), (g)*.

¹ The medical information contained on the Payment Summary Form has been redacted for privacy

7. Defendant filed an appeal of CMS' determination of the conditional payments made related to the injuries sustained as a result of the July 16, 2016 incident that resulted in a settlement, judgment, award, or other payment made to the Defendant. In the context of that appeal, CMS determined that there were claims listed on the initial Payment Summary form that were unrelated to the settlement, judgment, award, or other payment received as a result of the July 16, 2016 incident.

8. Based upon its findings on appeal, on or around May 18, 2021 CMS modified the amount due and owing to \$3,989.55. A true and accurate copy of the Reply to Dispute Resolution is attached as Exhibit B. *See Reply to Dispute Resolution*, attached as **Exhibit B**.

9. On or around June 24, 2021, CMS sent Defendant a demand for the new balance due and owing in an amount totaling \$5,034.49. *See Demand Letter*, attached as **Exhibit C**.

10. The debt owed to the United States of America, referenced by **Account No.**

2021A41298, is broken down as follows:

a. Current Principal	\$3,989.55
b. Current Capitalized Interest Balance and Accrued Interest	\$2,303.37
c. Administrative Fee, Costs, Penalties	\$0.00
d. Credits previously applied (<i>Debtor payments, credits, and offsets</i>)	\$0.00
Total Owed	\$6,292.92

11. The Certificate of Indebtedness, a true and accurate copy of which is attached as Exhibit D, shows the total amount due and owing as of the date of the Certificate of Indebtedness. *See Certificate of Indebtedness*, attached as **Exhibit D**. Interest continues to accrue on the principal balance only at the rate of 10.75% pursuant to 42 C.F.R. §411.24(m). *See 42 C.F.R. §411.24 (m)*.
12. Demand has been made upon the Defendant for payment of the indebtedness, and the Defendant has neglected and refused to pay the same.

WHEREFORE, Plaintiff the United States of America respectfully requests this Court grant Judgment in its favor and against Defendant Shukriya Al Khuzaii in an amount totaling \$6,292.92 plus interest that continues to accrue on the principal balance only at the rate of 10.75% per annum from May 28, 2024 plus attorney's fees to the extent allowed by law; a filing fee in the amount of \$350 as permitted by 28 U.S.C. §2412 (a) (2); and any other relief which the Court deems proper.

Date: August 8, 2024

/s/ Thomas L. Sooy, Esq.

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